

**MINUTES OF THE REGULAR WORK SESSION AND PUBLIC HEARING OF THE
PLANNING BOARD HELD BY THE BOARD OF TRUSTEES OF THE
INCORPORATED VILLAGE OF MASTIC BEACH ON WEDNESDAY, MARCH 6, 2013
AT THE TOWN OF BROOKHAVEN SENIOR NUTRITION CENTER,
369 NEIGHBORHOOD ROAD, MASTIC BEACH, NEW YORK AT 5:00PM**

The Public Hearing was called to order at 5:05 p.m. by Mayor Biondi with approximately 35 residents in attendance.

Mayor Biondi led the audience in the Pledge of Allegiance and a Moment of Silence.

Roll Call was taken by the Village Clerk.

In attendance: Mayor Biondi

Trustee Cappiello

Trustee Morrow

Trustee Bissonette

Deputy Mayor Stiriz

Also Present: Village Attorney Christopher Bianco, Esq.

Village Clerk Virgilia Gross

PUBLIC HEARING

Regarding a Change of Zone application for parcel located at 211 Mastic Beach Road, Mastic Beach, New York, submitted by Sarwhar Ghulam for the purpose of constructing a fueling station and restaurant.

Expeditor Mario Vigliotta presented an overview of the application on behalf of Mr. Ghulam. The parcel is currently zoned J-2 under the Town of Brookhaven Zoning Code with the applicant seeking a change to J-5. The parcel is 2.3 acres and is owned by USA Coast Realty. The applicant is seeking to tear down current structure known as “Smitty’s” and the installation of a 5 island, 10 pump fueling station and restaurant.

As stated by Mr. Vigliotta, 2 acres are required under the current J-5 zoning; adequate set-backs are available with the property exceeding the required size requirement; no variance would be required. Generators will be installed to insure that pumping will be uninterrupted in the case of electrical failure and the restaurant will seat 50 patrons. The applicant is interested in creating a unique restaurant in order to attract businesses and will be tourist-themed. Alcohol will not be served and a 50’s theme is being considered. The applicant is requesting the Planning Board to consider the change of zone and that two franchises are being looked into, Johnny Rockets and Rubies Diner.

The Planning Board asked a variety of questions, including the prohibition of alcohol and hours of operation.

Mr. Ghulam stated that it would be the largest fueling station in Suffolk County and could be a Mobil, Exxon or Sunoco, offering no tax to non-profits, bus companies and emergency vehicles. Mr. Ghulam also expressed an interest in offering C&G in the future.

Trustees Bissonette and Cappiello expressed concern over the proximity to the school and the increase in traffic at a busy intersection; the restaurant was considered as an option. Both trustees also stated that the entrance into the village needs to be more than auto repair strips and stressed support for a restaurant.

Traffic flow and egress was also addressed with Mayor Biondi stating that Quay would not be an option for egress. Trustee Morrow was concerned that the village already has 3 fueling stations and Deputy Mayor Stiriz pointed out the traffic nightmare currently caused by all three. A suggestion was made to pull the fueling station further back onto the parcel.

Trustee Cappiello reiterated that it was a neighborhood and not a major thoroughfare and concern for the safety of school children walking in the area.

A discussion was held regarding the allowable seating capacity of a restaurant and permission of the Suffolk County Department of Health; 50 seats with fueling station and 68 without.

PUBLIC COMMENT

Gail Schaefer, Quay Drive: This is a residential area and Mrs. Schaefer does not want to see a gas station across the street from her home. It is also a historical community and this would chip away at that theme. Also, concern was expressed for the amount of gasoline on site and traffic concerns.

Sulker Ilgin: Owner of Empire gas station stated that another fueling station was not needed, that his station offered all varieties of fuel, Gov. Cuomo has passed a law stating that all stations need to be backed up by generators and offered to sell his station to the applicant.

Robert Morano: Has owned his home for 40 years and expressed concern that the construction of a fueling station will lower his property value, cause a safety concern for his grandchildren and other school children and will also increase traffic in an already accident-prone area.

Mr. Pakowski: Expressed support of the application stating that it could create jobs.

Rashid Rehman: In favor of the application stating that it would be convenient quick stop for fuel.

Ali Sajjaf: In favor of the application stating that it would be good for the economy and the area.

Eugene Smith: Stated that a fueling station and restaurant would be an improvement to the area and that the owner "Sal" would help train veterans coming home; Mr. Smith also owns a nursery.

Thomas Gross: Echoed the concerns of the Board regarding the location of a fueling station at a major entrance into the community and asked what the Board wanted the village to look like. Mr. Gross stated that most of the 1,200 employees of the school currently do not live in the village and asked the Board to consider what picture they would like them to see. Mr. Gross also questioned if a fueling station located within 500 feet of a place of public assembly, such as the school, needed to be considered and that a diner would be supported.

Ed Oliver, Cypress Dr: Mr. Oliver stated that he has been a resident for 33 years and that his block is a nice one and is against the rezoning and fueling station. Mr. Oliver also expressed concern regarding sewage and gas lines as well as lighting issues, bus stop locations and possible failure of the business that would be unfair to residents.

Louis D'Atena: Expressed favor of the application, stating that he was a friend of the owner and that he would do the right thing.

Ava Torres: Stated that she has lived on Wavecrest for 43 years and that some business has to be developed on lot. Ms. Torres is against any further delis and pizza parlors and asked the Planning Board to consider allowing the applicant to build something and not shut down idea completely.

Keith Arnsworth: Expressed favor of the application stating that there is a program that will help veterans in training and that gas stations are safer now. Mr. Arnsworth is the property manager for the applicant now in Bellport and that it was an opportunity to uplift the area.

Manhattan Bagel: Applicant will be spending money to improve the look of the area and is in support of the application.

Joe May: 70 year resident, veteran with civic involvement asked for consideration of the environmental impact of the application, if traffic studies were done and the location of the Forge River and Pattersquash creek. Mr. May also expressed concern that the application would have a negative effect on our historic area.

Alan Chasinov: Stated the Board consisted of veterans and that it was important to help and support them, but a fueling station may not be the answer. Mr. Chasinov was also concerned with the increase of noise, but is in favor of a restaurant.

Richie Chinaea: In favor of the application, would increase jobs and prevent residents from travelling to Hess at night.

Arthur Kruse: Vietnam combat veteran and is in favor of fueling station; looking for leaded fuel and electric car charging areas are needed. Mr. Kruse suggested that the residents tell the applicant what they want.

Trustee Cappiello suggested that a health center or professional building be constructed.

Trustee Bissonette suggested that a special permit may be required for 95,000 gallon tanks and asked how many jobs would be created in total. There were also environmental concerns brought out in the study submitted by the applicant, including radon and asbestos.

Mr. Ghulam stated that all environmental issues have been mitigated. Mr. Ghulam was asked by the Board to submit certifications of same.

Attorney Bianco suggested that the Village of Mastic Beach declare lead agency status for the application and to keep the hearing open for 30 days.

The Planning Board asked Attorney Bianco if special permit was needed within 500 feet of school. A discussion was held regarding the following: prohibiting egress onto Quay and Cypress; lighting and loss of control if change of zone is granted.

Upon motion made by Mayor Biondi, seconded by Trustee Cappiello and unanimously carried, it was RESOLVED to Close the Public Comment portion of the Public Hearing.

Mr. Vigliotta stated that as a 30 year resident and father of seven, it has been difficult to encourage businesses to the area due to its potential, but lack of reputation; the area has high crime and is unsafe. The fueling station and restaurant would generate income and viable business. The applicant is willing to provide requested information and they are in need to get going for revitalization. Mr. Ghulam is willing to work with the Planning Board and redesign.

Upon motion made by Mayor Biondi, seconded by Trustee Morrow and unanimously carried, it was RESOLVED to Close the Public Hearing and keep record open for 30 days for written comment from the public at 7:00 p.m.

WORK SESSION

Mayor Biondi called the Work Session to order at 7:20 p.m. with all Trustees present.

The revised proposed site plan for Dunkin' Donuts was distributed to the Board with Mayor Biondi stating that the school district would like the entrance moved. Also, the Town of Brookhaven will be installing a public parking lot north of the proposed building. A discussion was held by the Board regarding the site plan.

Upon motion made by Mayor Biondi, seconded by Trustee Bissonette and unanimously carried, it was RESOLVED to Set a Public Hearing Date of April 10, 2013 at 5:00 p.m. at the Town of Brookhaven Nutrition Center, 265 Neighborhood Rd, Mastic Beach, New York regarding the site plan submitted by applicant Two Go's Company, Inc. for a proposed construction of a Dunkin' Donuts at the intersection of Mastic Beach Road and Mastic Road identified as S.C.T.M. Nos. 0209-005-01-021 & 023.001.

A discussion was held regarding the dumping fees of Super Storm Sandy debris charged to the Village by the Town of Brookhaven and submission of same to FEMA.

Upon motion made by Mayor Biondi, seconded by Trustee Morrow and unanimously carried, it was RESOLVED to pay dumping fees not to exceed \$23,000 to the Town of Brookhaven and to authorize the submission of same to FEMA by the Village of Mastic Beach.

A discussion was held regarding the possibility of advertising in the Tri-Hamlet News which is widely distributed throughout the Village and the school district and would be in lieu of the newsletter. The cost would be approximately \$200 - \$250 per month.

Upon motion made by Deputy Mayor Stiriz, seconded by Trustee Cappiello with Trustee Bissonette voting in the negative, it was RESOLVED to authorize the Village of Mastic Beach to advertise in the Tri-Hamlet News, subject to the cost not exceeding \$250 per month.

Mayor Biondi reported that he is looking into the possibility of bringing natural gas into the Village through National Grid and that he will ask for a presentation to be made by the company. Also, the Robin Hood Foundation is offering residents a \$5,000 grant per home to assist in recovery from Super Storm Sandy. \$500,000 in grant money has been promised to the village by Senator Lee Zeldin for a sewer system and that Mr. Thiele and Mr. Hennessey will be approached for same as well.

Mayor Biondi also reported that Cablevision will be raising some of their rates and that the Town of Brookhaven Highway tax will be reduced for village residents.

Deputy Mayor Stiriz reported that the church project for the Cultural Arts Council is moving along and that a possible electrical plant, a new underground concept, is being investigated.

Trustee Morrow asked for clarification of the 2% tax cap motion that was not entertained by the Board of Trustees. Trustee Morrow wanted it noted that the Board has no intention of piercing the tax cap and that it was not an attempt to shut out the public.

Trustee Bissonette stated that most do not understand the 2% tax cap and suggested that a public hearing be held for informational purposes; Deputy Mayor Stiriz suggested that the information be given in a newsletter instead.

Trustee Cappiello reported briefly on raising of homes and prices of same.

Upon motion made by Mayor Biondi, seconded by Trustee Cappiello and unanimously carried, it was RESOLVED to Enter Executive Session for the purpose of personnel discussions at 8:00 p.m.

Upon motion made by Mayor Biondi, seconded by Trustee Morrow and unanimously carried, it was RESOLVED to End Executive Session at 8:18 p.m.

Upon motion made by Mayor Biondi, seconded by Trustee Cappiello and unanimously carried, it was RESOLVED to Re-open the Work Session at 8:18 p.m.

Upon motion made by Trustee Cappiello, seconded by Deputy Mayor Stiriz and unanimously carried, it was RESOLVED to Create the position of Justice Court Clerk on a full-time basis at a rate of \$18 per hour, not to exceed 35 hours per week.

Upon motion made by Mayor Biondi, seconded by Trustee Morrow and unanimously carried, it was RESOLVED to End the Work Session at 8:20 p.m.

Respectfully submitted,

Virgilia C. Gross
Village Clerk

DATED: March 27, 2013